

## **804 KAR 9:010. Quota retail license limits for counties.**

RELATES TO: KRS 241.060, 241.065, 243.030, 243.240, 243.250

STATUTORY AUTHORITY: KRS 241.060(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(2) authorizes the board to limit the number of licenses of each kind or class to be issued in this state or any political subdivision. This administrative regulation establishes the number of quota retail package licenses and quota retail drink licenses available in wet counties.

Section 1. Quota Retail Package Licenses. The number of quota retail package licenses issued by the department in any wet county shall not exceed one (1) license for every 2,300 persons resident in the county and one (1) license for any remainder after this ratio division, except that:

(1) A wet county containing a city of the first class shall be subject to the limitations established in KRS 241.065; and

(2) No fewer than two (2) quota retail package licenses shall be available for issuance by the department in any wet county.

Section 2. Quota Retail Drink Licenses. The number of quota retail drink licenses issued by the department in any wet county meeting the requirements of KRS 243.230(1)(a) shall not exceed a number equal to one (1) license for every 2,500 persons resident in the county and one (1) license for any remainder after this ratio division, except that:

(1) A wet county containing a city of the first class shall be subject to the limitations established in KRS 241.065;

(2) No fewer than two (2) quota retail drink licenses shall be available for issuance by the department in any wet county meeting the requirements of KRS 243.230(1)(a); and

(3) The department may issue non-quota type 2 retail drink licenses to an applicant located within a premises that has been issued an Entertainment Destination Center License under 804 KAR 4:370.

Section 3. Quota Retail License Vacancies. (1) The population quotas established in Sections 1 and 2 of this administrative regulation shall be based on a wet county's annual population estimates prepared by the Kentucky State Data Center, Urban Studies Center of the University of Louisville, Louisville, Kentucky, in every year except a federal decennial census year. The United States Government federal decennial census figures of population shall be used in a census year.

(2) If a quota retail license vacancy is created by application of Sections 1 or 2 of this administrative regulation, license expiration, surrender, or revocation, or it occurs for any other reason, the department shall within sixty (60) days arrange for the newspaper used for county legal notices to advertise the vacancy and provide information about applying for it.

(3) The department shall accept applications for a quota retail license vacancy not later than thirty (30) days following the date on which the public notice required by subsection (2) of this section is published.

(4) A licensee that holds a quota retail license shall assume the business risk that the number of quota retail licenses might be increased.

Section 4. Quota Retail License Reductions. (1) This administrative regulation shall not prohibit license renewal or approved license transfer by the department of an existing quota retail license issued in a wet county.

(2) If quota retail licenses have been issued in a wet county that exceed the quotas established in Sections 1 or 2 of this administrative regulation, the number of quota retail licenses in the county shall be reduced by the department upon license expiration, surrender, or revocation.

Section 5. No Separate City Quota in Wet County. If a dry county in which a wet city is located becomes wet, the county quotas established by Sections 1 or 2 of this administrative regulation shall supersede and replace any separate city quotas set by 804 KAR 9:040 or 804 KAR 9:050. (ABC 9:10; 1 Ky.R. 846; eff. 5-14-1975; Am. 4 Ky.R. 67; eff. 10-5-1977; 8 Ky.R. 18; eff. 10-7-1981; 16 Ky.R. 488; 754; eff. 10-13-1989; 31 Ky.R. 627; 939; eff. 11-26-2004; 35 Ky.R. 1596; 1761; eff. 3-6-2009; 40 Ky.R. 171; eff. 10-4-2013; 43 Ky.R. 1055; eff. 3-3-2017.)